

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS EUGENE MOORE,

Petitioner,

No. CIV S-02-0007 DFL DAD P

vs.

A.A. LAMARQUE, et al.,

Respondents.

ORDER

_____/

Petitioner has filed two documents styled, "Petitioner's Motion For Temporary, Preliminary, And Permanent Injunction" and "Emergency - Petitioner's Motion for Temporary Restraining Order." In his motion for temporary, preliminary and permanent injunction, petitioner states that he is unable to comply with the court's July 13, 2006 order requiring petitioner to file a statement as to whether this case should remain stayed. Petitioner contends that twelve boxes of his legal property are missing since his transfer to High Desert State Prison, and that he requires a thirty-day extension of time to file his statement. Petitioner attaches thirty-seven pages of documents in support of his request. In his emergency motion for a temporary restraining order, petitioner again contends that his legal property is missing and attaches several pages of exhibits. The court will construe petitioner's motions as requests for an extension of time to file his statement, and will grant the requests. Petitioner is cautioned, however, that he

1 cannot continue to delay complying with the court's order. Should he fail to file his statement
2 addressing whether this case should remain stayed as ordered by the court on June 1, 2006 and
3 July 13, 2006, the court will recommend that the stay be lifted and that this action proceed with
4 petitioner's fourth amended petition, filed on November 20, 2003. The information that must be
5 provided in the statement should be within petitioner's personal knowledge. Moreover, since
6 petitioner contends that he has recently filed a state habeas petition, he is aware of his
7 unexhausted claims and should be able to explain the potential merits of those claims as required
8 without access to additional documents.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. Petitioner's July 26, 2006 documents styled, "Petitioner's Motion For
11 Temporary, Preliminary, And Permanent Injunction" and "Emergency - Petitioner's Motion for
12 Temporary Restraining Order" are construed as requests for extension of time to comply with the
13 court's June 1, 2006 and July 13, 2006 orders, and are granted;

14 2. Within thirty days from the service of this order, petitioner shall file his
15 statement, set forth in the court's June 1, 2006 order; and

16 3. Petitioner's failure to timely file his statement will result in a recommendation
17 that the stay be lifted and that this action proceed with petitioner's fourth amended petition, filed
18 on November 20, 2003.

19 DATED: July 31, 2006.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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